

1.6 SUPERVISION OF WEIGHING (CLASS Y)

FGIS and agencies, upon request, provide Class Y weighing service under the authority of the Act. Weighing facility operators may request Class Y weighing service for grain shipments not requiring mandatory Class X weighing service as prescribed in Section 5 (a) (2) of the Act (i.e., export shipments and inbound intercompany barge shipments at export port locations). Approved weighing personnel under FGIS or agency supervision provide the Class Y weighing service using approved weighing equipment.

a. Procedures for Requesting Service

A written request for Class Y weighing service must be filed with official personnel responsible for the area where the service will be provided. It must include: 1) The applicants name and mailing address; 2) if applicable, a request for Form FGIS-1001, "Application for Approval to Operate as a Weighing Facility"; 3) the scope and effective date of Class Y weighing service desired; and 4) other pertinent information requested by official personnel.

To qualify for Class Y weighing services, the applicant must comply with applicable requirements of the regulations and instructions under the Act.

(1) Equipment

The applicant has and maintains suitable grain handling equipment and accurate scales as required in Part 802 of the regulations (7 CFR Part 802 et seq.) and Chapter 3 of the Weighing Handbook.

(2) Personnel

The applicant permits only competent, approved weighers to operate the scales and handle grain in connection with Class Y weighing.

(3) Procedures

The applicant requires approved weighers to operate the scale(s) in accordance with regulations and instructions issued under the Act and requires each lot of grain be delivered from the carrier to the scale or from the scale to the carrier in its entirety without avoidable waste or loss.

b. Facility Approval by Official Personnel

Prior to commencement of Class Y weighing services, the scale and grain handling system as it pertains to the Class Y weighing service must be approved by official personnel. Upon applicant request, official personnel provide form FGIS-1001, which requests facility

information and requires the facility management's list of competent weighers trained to operate the weighing systems under regulations and instructions issued under the Act. Official personnel must perform a site visit to determine that the equipment and personnel requirements for providing Class Y weighing services have been met.

c. Form FGIS-964, "Supervision of Grain Weight Certificate"

The Class Y weighing certificate, form FGIS-964, is yellow in color and shows "Class Y Weighing" screened across the front. Printed on the certificate are statements indicating the conditions under which the service is performed. Applicants may request that "special design" Class Y weighing certificates be printed. Requests are handled according to existing regulations and instructions.

(1) Official Personnel Responsibilities

- (a) Supply form FGIS-964 certificates to the applicant. Special design Class Y weighing certificates must be purchased by the applicant.
- (b) Supply Chapters 1, 2, and 3 of the Weighing Handbook to the facility operator.
- (c) Maintain accountability records for all certificates provided.
- (d) Monitor certificate accuracy.

(2) Grain Facility Operator Responsibilities

- (a) Issue certificates sequentially.
- (b) Inform official personnel of missing certificate numbers.
- (c) Maintain a copy of each certificate issued for review by official personnel.
- (d) Ensure only approved weighers perform Class Y weighing and official personnel have a current list of approved weighers.

d. Class Y Weighing Documentation

Facility managers must retain copies of Class Y certificates, original scale tapes or tickets, and other supporting documents for 5 years. Scale tapes and tickets, in addition to the recorded weights, must show the date, the approved weigher's name or initials, carrier identification, kind of grain, and scale number. Whenever a certificate is voided, mark the original "VOID" and retain at the facility, and destroy copies of voided certificates.

e. Approved Weighers

Only approved weighers listed on the form FGIS-1001 may perform and certificate Class Y weighing services. If the facility's personnel fluctuates because personnel are hired from employment pools, such as longshore personnel, the individuals who directly supervise these individuals (facility) or "key" longshore personnel are listed.

Approved weighers must obtain accurate weights on all grain weighed; certify that weights are obtained according to the Weighing Handbook; and document following procedures in the Weighing Handbook any unusual events that occur during the weighing operation (i.e., power failures, scale malfunctions, spills, and other events pertinent to the weighing operation). Prior to Class Y weighing, the applicant must notify the supervising office following established procedures.

f. Supervision Method

The supervising office establishes with the applicant a notification process for Class Y weighing activity. Official personnel must supervise a minimum of 25 percent of Class Y weighing or more as determined by the supervising agency. Support increased supervision with adequate documentation.

(1) Export Location Supervision Official personnel stationed at the facility providing inspection and Class X weighing services normally supervise the Class Y weighing. Where there is a large physical distance between the Class X and Class Y weighing operations, extra personnel may be required. A charge for Class Y weighing is applied only when extra personnel are required.

(2) Interior Location Supervision

Supervision is provided by official personnel stationed at the facility providing inspection and/or Class X weighing services or by periodic trips to the facility.

g. Official Personnel Responsibilities

Official supervision personnel must observe the approved weighers doing their duties. The entire weighing process, including scale operations and grain weight certification, must be supervised.

- (1) Determine that the grain handling system is adequately monitored for spills and leaks.
- (2) Determine proper documentation by approved weighers of 1) leaking or damaged carriers, 2) grain left in the carrier, 3) spills, and 4) any other situation affecting the certificated weight. Ensure this information is recorded on the scale tape or ticket for the carrier (or on a supplemental information sheet attached to the scale tape or ticket) and initialed by the approved weigher.

1.7 SPECIAL PROCEDURES

a. Information Requested by Interested Persons

(1) Definition of "Interested Person"

As defined in the Act, the term "interested person" means any person having a contract or other financial interest in grain as the owner, seller, purchaser, warehouseman, carrier, or otherwise. Persons who are employed by or represent carriers in the capacity of investigating claims against the carrier regarding the weight are considered "interested persons." When a properly identified interested person requests information pertaining to the official weighing of a carrier or other information routinely recorded on logs, tapes, and certificates, provide this information.

(2) Deny Blanket Requests

Do not honor blanket requests such as requests for information on all carriers weighed over a period of time. A request must identify the specific carrier(s) involved.

b. Facility Handbook Requirements

Field offices and agencies must maintain an up-to-date elevator Facility Handbook for each location where official personnel provide Class X or Class Y weighing services. The length and scope of the handbook depends upon the complexity of the facility and the extent of the agency or field office involvement in providing official weighing service.

Facility handbooks are used in conjunction with and as a supplement to the Weighing Handbook. Up-to-date copies of the handbook are kept at the inspection laboratory and at the scale floor or control room of the referenced grain elevator for use by official personnel. Keep the original of each handbook in the office of the issuing agency. AM's must forward copies of each Facility Handbook and subsequent revised handbooks to their respective field office. FOM's must send a copy of each handbook and subsequent revised handbooks to the Weighing and Equipment Branch.

Minimum information requirements follow.

- (1) Safety Requirements, including specific elevator safety rules.
 - (a) Location of smoking and non-smoking areas.
 - (b) Location of hardhat areas.
 - (c) Diagrams of emergency evacuation routes.
 - (d) Emergency evacuation phone numbers for reporting fires, explosions, hazardous conditions, and missing personnel. (See 29 CFR 1910.272 (d) (e).)
- (2) General Elevator Layout Description
 - (a) Describe the elevator's entire grain handling system: the location of the dock, elevator, headhouse, and FGIS and/or agency office space.
 - (b) Illustrate the elevator layout using detailed, labeled diagrams of all floors in the facility. (The floors may be illustrated separately or collectively as a cross section of the facility.)
 - (c) At facilities where official weighing activities are limited, only the description or illustration of official weighing areas is required.
- (3) Grain Flow System Descriptions
 - (a) Specify weighing procedures and official personnel responsibilities at the facility i.e., procedures and frequency for checking shipping bin indicators.
 - (b) Provide grain flow diagrams and/or photographs that identify all diversion and seal points. (Grain flow diagrams and elevator layout diagrams may be illustrated together.) Include a description of security measures and surveillance procedures for ensuring the integrity of the grain flow.

- (c) Describe all weighing systems (include scale capacities, minimum divisions, and model numbers), printers (with the type of information they record), auxiliary power scale accessories, sealed or locked limited access areas of the scales and their accessories, and any other pertinent information to aid in recognizing scale and printer malfunctions.
 - (d) Describe the elevator's control panel(s)/monitor(s) that bear official services, and explain terminology used if the controls have customized programming.
- (4) Certification and Documentation Requirements
 - (a) Include copies of locally generated documentation and examples of correct documentation procedures.
 - (b) Include a checklist or means of documenting required periodic checks of grain flow security, (e.g., biweekly control board indicator light check, carrier clean out, and the pre-weighing and postweighing checks).
- (5) Specialized Equipment Standard Operation Procedures

Attach or include standard operating procedures for closed-circuit television systems or automated weighing systems used in official weighing systems.
- (6) Unusual Procedure Explanations

Explain any procedures seemingly contradictory to normal handbook instructions, but approved by scale officials, managers, or area chiefs, such as unusual precycling requirements and also procedures unique to that facility.

c. Bulk Commodity Certification

Service personnel may officially weigh bulk commodities for certification under the Agricultural Marketing Act of 1946 (AMA).

- (1) "Bulk" are those commodities contained in other than primary containers such as bags, boxes, barrels, etc.

- (2) See Chapter 2 for instructions on certifying bulk commodities.
- (3) Federal cooperators may certify the weight of commodities under the AMA if authorized by FGIS and licensed under the AMA.

d. Review of Weighing Service

A review of weighing service is a formal review of weighing documentation pertaining to a specific weight certificate. The review includes a detailed evaluation of weight logs, scale tapes, scale history, and other documentation and, if necessary, consultation with individuals involved with the actual weighing. A scale testing official does this review if possible.

The review of weighing service, as covered in this section, is performed when requested by an interested person on domestic shipments. Forward export weight inquiries to the International Monitoring Staff.

(1) Request for Review of Weighing

- (a) Requests must be filed within 90 days after the date of the Class X or Class Y weighing service with the FGIS field office or agency that conducted the original service.
- (b) The request is considered filed when the oral or written request is received by the field office or agency.
- (c) The review of weighing is conducted by the office that performed the official service.

(2) Application Requirements

- (a) When required by FOM, use Form FGIS-908, "Application for Appeal Inspection or Board Appeal Inspection."
- (b) When required by AM, a customized application form which includes the following may be used.
 - 1) Name and mailing address of applicant.
 - 2) Name(s) and address(es) of interested persons.
 - 3) Carrier identification, quantity, and the official service location.
 - 4) Copy of original weight certificate.

- 5) Any additional pertinent information required by the field office or agency to complete the review.

(3) Required Review Information

- (a) Review all pertinent documentation, such as certificates, logs, and scale test reports.
- (b) Identify the kind (hopper, vehicle, or railway track) and type (mechanical, dial, or full electronic) of scale.
- (c) Analyze other available information, such as scale history and past facility weight performance history.
- (d) Thoroughly review the scale tests before and after the time under review.
- (e) Additional scale test and travel to the facility for onsite review may be required.

(4) Methods and Content of Response

- (a) If the review of weighing service indicates that the results of the original weighing service were correct, notify the applicant in writing.
 - 1) Explain the review process for tapes, logs, and scale tests, or any other documentation and the results.
 - 2) Detail the observation of weight quantities of lots loaded/unloaded before and after the carrier(s) in question.
 - 3) State the grain handling system security used.
- (b) If the review of weighing service indicated that the results of the original weighing service were incorrect, issue a corrected certificate.

(5) Guidelines for Handling Service Requests

- (a) Only one review of weighing service is allowed on any original Class X or Class Y weighing service.
 - (b) Report any additional inquiries to the Weighing and Equipment Branch.
 - (c) Notify headquarters through appropriate channels of any review of weighing that has the potential for 1) resulting in Congressional inquiries, 2) causing adverse action by trade groups, 3) setting a trend, or 4) requiring action by FGIS headquarters.
 - (d) Send a copy of all requests for review of weighing service and the response to the Weighing and Equipment Branch through the appropriate channels.
- e. Official and Unofficial Weighing

Official and unofficial weighing may not be performed concurrently by official weighing agencies at an elevator within its assigned area of responsibility. For the purposes of this section, each mode of conveyance for carriers is considered separately in the facility's weighing approval (i.e., rail, vehicle, barge).

If a facility wishes an agency to change from official to unofficial service, the supervising office must receive written notification from the facility to terminate its official weighing status. Facilities must reapply to the responsible agency to resume official service by completing form FGIS-1001, "Application for Approval to Operate as a Weighing Facility." (See Chapter 2 for instructions.) The supervising field office must reevaluate the request for changes in the weighing system before allowing official service to resume. Field offices must notify the Compliance Division of changes in approved weighing facilities status so that the agency's designation documents (Appendix B) are kept current.